

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
S/S Bird River Road, 400' E of	* ZONING COMMISSIONER
the c/l of Vincent Road	* OF BALTIMORE COUNTY
(10313 Bird River Road)	* Case No. 96-301-A
15th Election District	*
5th Councilmanic District	
George A. Niles, et ux	
Petitioners	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 10313 Bird River Road, located in the vicinity of Ebenezer Road in Middle River. The Petition was filed by the owners of the property, George A. and Joan F. Niles. The Petitioners seek relief from Section 1A02.3.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 feet in lieu of the minimum required 25 feet for a proposed 14' x 20' addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits

ORDER RECEIVED FOR FILING

Date

By

3/15/96
[Signature]

[Faint handwritten notes]

تاریخ ۱۳۰۲

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 15, 1996

Mr. & Mrs. George A. Niles
10313 Bird River Road
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Bird River Road, 400' E of the c/l of Vincent Road
(10313 Bird River Road)
15th Election District - 5th Councilmanic District
George A. Niles, et ux - Petitioners
Case No. 96-301-A

Dear Mr. & Mrs. Niles:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File



Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 10313 BIRD RIVER RD
address
BALTO MD 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty)

To provide bedroom area for 87 year old mother that is not able to live by herself any longer.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

George A. Niles
(signature)
GEORGE A. NILES
(type or print name)



Joan F. Niles
(signature)
JOAN F. NILES
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of February, 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

GEORGE A. NILES AND JOAN F. NILES

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

02/09/96
date

Beatrice L. McElroy
NOTARY PUBLIC

My Commission Expires

12/01/97



Petition for Administrative Variance

96-301-A

to the Zoning Commissioner of Baltimore County

for the property located at

10313 BIRD RIVER RD
which is presently zoned RC 3

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A02.3.B.4

To allow an addition with a side yard setback of 10 ft. in lieu of the minimum required 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

To provide bedroom area for 82 year old mother that is not able to live by herself any longer

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

GEORGE A NILES
(Type or Print Name)

Signature

George A. Niles
Tel N 420-275-067-075

JOAN F. NILES
(Type or Print Name)

Signature

Joan F. Niles
Tel N 420-421-244-751 335-4406

10313 BIRD RIVER RD
Address Phone No

BALTO MD 21220
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: *[Signature]*

DATE: 2/12/96

ESTIMATED POSTING DATE: _____

Printed with Soybean Ink
on Recycled Paper

ITEM #: 305

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 10313 BIRD RIVER RD
(address)

Beginning at a point on the SOUTH side of
(north, south, east or west)
BIRD RIVER RD. which is 32'
name of street on which property fronts (number of feet of right-of-way width)
wide at the distance of 400' EAST of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street VINCENT RD
(name of street)
which is 32' wide. *Being Lot # _____
(number of feet of right-of-way width)
Block _____, Section # _____ in the subdivision of _____
(name of subdivision)
as recorded in Baltimore County Plat Book # _____, Folio # _____,
containing _____ Also known as _____
(square feet or acres) (property address)
and located in the 15 Election District 5 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

96-301-A

No.

96-301-A

DATE 7/1/86 ACCOUNT P-001-615 000

AMOUNT \$85.00

RECEIVED George A Niles
FROM: _____

Old Variance - \$50 ITEM # 305
Old Sign - - - \$35 Taken by JRF

FOR: _____

FOR:

U L A I N D O E D U C I T I R E

847, 111

94 CV10-116902-13-96

DISTRIBUTION

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Permits and Development Management
111 West Chesapeake Avenue, Room 111
Towson, MD 21204
(410) 887-3391

PROVISIONAL APPROVAL

PERMIT NUMBER: B260763

Date: Feb. 20, 1996



Location: 10313 BIRD RIVER ROAD

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following Conditions:

☒ Owner has filed for a administrative variance ~~public hearing~~, Item # 305.

☐ Owner must file for a public hearing within ___ days before the Zoning Commission requesting relief from all conflicts with the Baltimore County Zoning Regulations.

☐ Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within ___ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed, or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter, the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

JRP.
ZONING STAFF

Bill Jahn
DIRECTOR, PERMITS & DEVELOPMENT MANAGEMENT

I have read the above statement and I agree to abide by the decision of the zoning commissioner, if applicable, in this matter. I also hereby certify that I, the undersigned, am in fact the owner and, if applicable, the contract purchaser and not just an agent for same.

X Signed - Owner George A. Niles Signed - Contract Purchaser _____

Printed Name George A. Niles Printed Name _____

Address 10313 Bird River Rd. Address _____

Balto, Md 21220

Work Phone # _____ Work Phone # _____

Home Phone # 335-4406 Home Phone # _____

Revised 8/11/95



Development Processing

of



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 305 Petitioner: GEORGE A. NILES

Location: 10313 BIRD RIVER RD 21220

PLEASE FORWARD ADVERTISING BILL TO:

NAME: GEORGE A. NILES

ADDRESS: 10313 BIRD RIVER RD

BALTO MD 21220

PHONE NUMBER: 410-335-4406





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 23, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-301-A (Item 305)
10313 Bird River Road
S/S Bird River Road, 400' E of c/l Vincent Road
15th Election District - 5th Councilmanic
Legal Owner: George A. Niles and Joan F. Niles

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before February 25, 1996. The closing date (March 11, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: George and Joan Niles



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 11, 1996

Mr. and Mrs. George A. Niles
10313 Bird River Road
Baltimore, MD 21220

RE: Item No.: 305
Case No.: 96-301-A
Petitioner: G. A. Niles, et ux

Dear Mr. and Mrs. Niles:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 12, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



96-1005


3/2/96
8

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: March 1, 1996

FROM:  Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for March 4, 1996
Items 305, 306, 308, 309, 310, 313, 314

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: March 1, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for March 4, 1996
Items 305 (Revised), 306 (Revised),
308, 309, 310, 313, 314 *4*

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:jrb

cc: File

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/27/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEB. 26, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

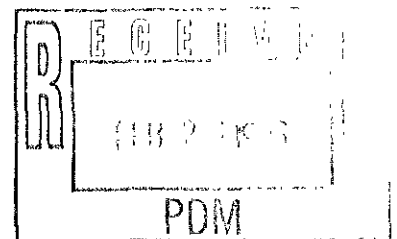
8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS 305, 306, 307, 308, 311, 312,
313, 314 & 315.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoﬀ
Administrator

2-27-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. *305 (JRF)*

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

JOHN K. HARRIS
10251 BIRD RIVER ROAD
BALTIMORE, MD 21220
(410) 335-9315

2/14/96
✓

96-759

FEBRUARY 13, 1996

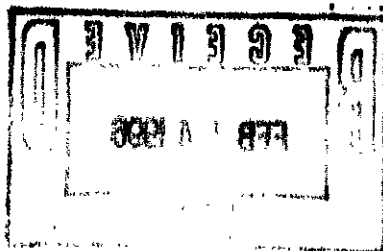
MR. ARNOLD JABLON,

IN REGARDS TO ITEM # 305, I HAVE NO PROBLEM WITH MR.
NILES GETTING A VARIANCE FOR THIS. AS HIS NEIGHBOR I FEEL
IT WILL ONLY IMPROVE THE NEIGHBORHOOD. IF YOU HAVE ANY
QUESTION PLEASE FEEL FREE TO CALL.

THANK YOU,

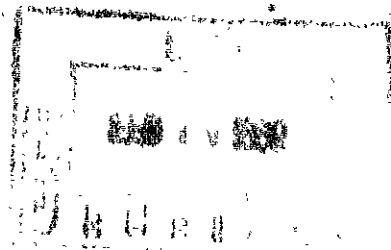
John K. Harris

JOHN K. HARRIS



MICROFILMED

to WCK
please renew -
OK w/m for
conditional permit
To: Accepting Platoon
uon 2/16 JRF



100-1506-21220

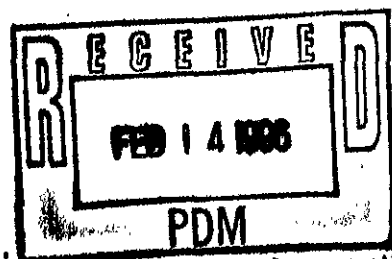
THANKING YOU, IN ADVANCE
Blumenthal, Wiegand

IN REGARDS TO ITEM #305, MR GEORGE NILES ASKED ME
IF I HAD ANY OBJECTIONS TO HIM BUILDING A ROOM FOR HIS
MOTHER, ON THE SIDE OF HIS HOUSE, THAT WOULD EXTEND TO LESS
THAN THE 25 FEET FROM MY PROPERTY LINE, THAT THE LAW NOW ALLOWS.
I HAVE NO OBJECTIONS TO HIM EXTENDING THE ROOM, AS LONG
AS HE STAYS 10 FEET FROM MY PROPERTY LINE.
I THINK IT IS VERY GOOD THAT HE WANTS TO TAKE HIS MOTHER INTO
HIS HOUSE, INSTEAD OF HER LIVING ALONE AT HER AGE.

MR ARNOLD JABLON
DEAR SIR.

2/14/96
Y

10320 BND RIVER ROAD 92-759
BALTIMORE, MD. 21220-1506
2/12/96



2/14/96

91-759

Y

2-12-96

Mr. Arnold Jahlon
Zoning Department
Towson, Md.

re: Item #305

Dear Mr. Jahlon:

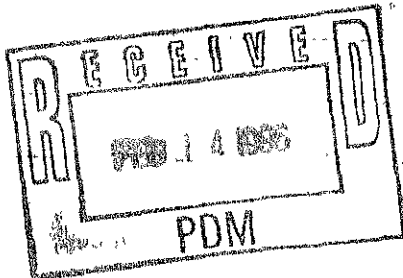
I am writing on behalf
of Mr. & Mrs. George Niles, Jr.
zoning request to add an
addition to their home at
10313 Birch Run Road.

My home is directly next
door to the Niles residence
and I have no objection
or reservations about the
proposed addition.

Mr. & Mrs. Mills is taking
the older Mrs. Mills into
their home and this
addition will provide
her with a comfortable
and safe living area.

Sincerely,

James B. Vance
10320 Bird Run Rd.
Baltimore. 21220
335-8812



Dear Mr. Jablon: T #305 76-759
4/4/96

We mistakenly thought you must stay 10 feet away from property lines instead of 25 feet, or we would have put in for this permit some time ago.

We wish to build our mother / Mother In Law a bedroom area on our house. She is 87 yrs old and really not able to live by herself ~~any~~ anymore. She has now sold her home and we need to do this project as soon as possible. She has already had a fall while by herself and we need to make sure this doesn't happen again.

Enclosed are three letters from our neighbors stating they have no objection if we build ~~the~~ room.

We are sure there would be no other objections. The lot is approx 120 feet from the road and the area next to the addition is an open field.

He did speak to Mr Richards
about the urgency of getting the
permit as soon as possible and
he was very understanding.

Mr. Jun R. Fernandez helped
us with the paperwork and I
must say he was very helpful.

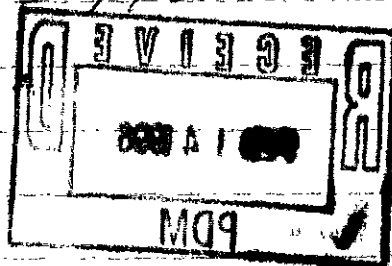
Again, if you could help us
to get this permit as soon as
possible it would be very
much appreciated.

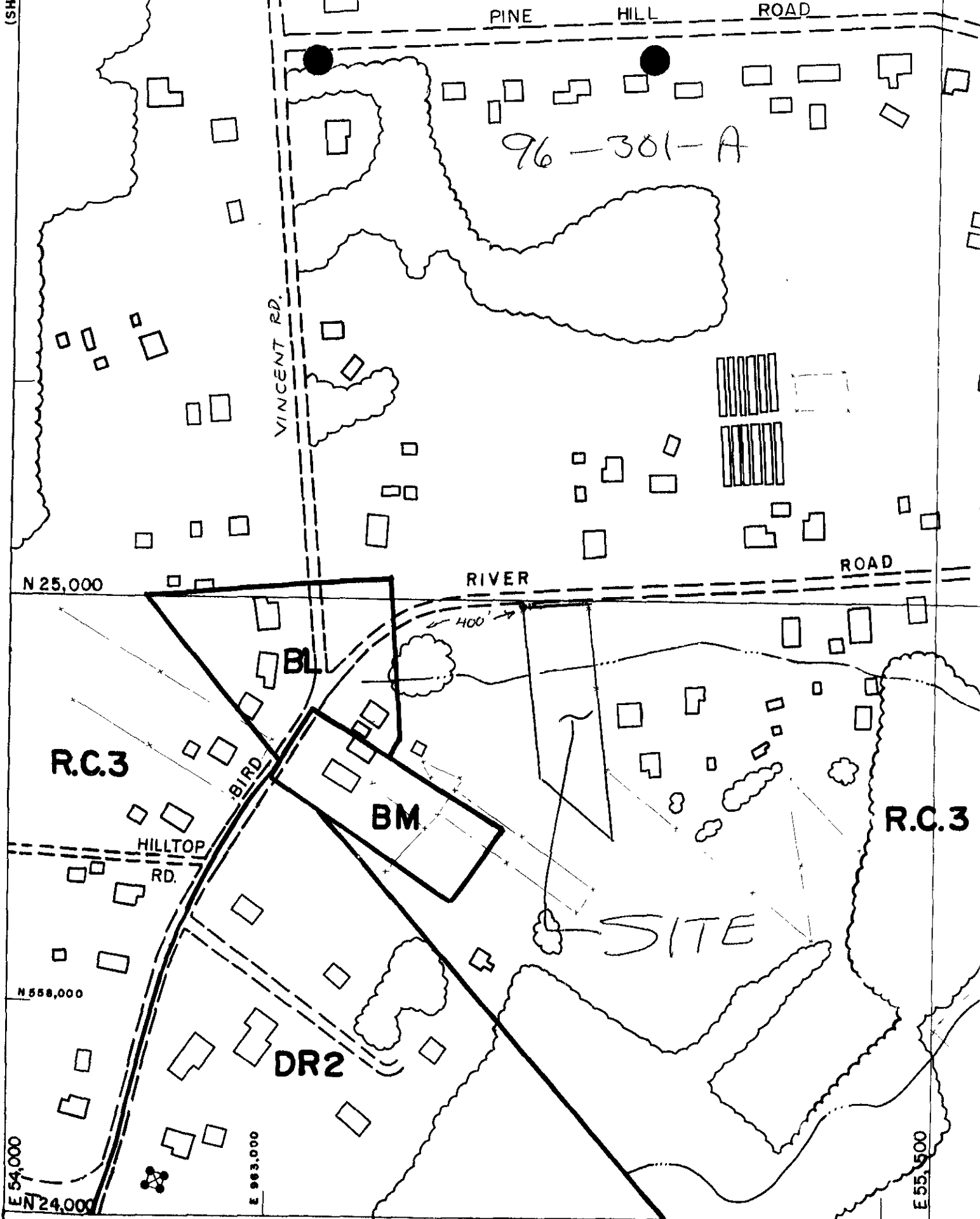
Thank you for your consideration,

Mr & Mrs George Niles
10313 Bird River Rd
Baltimore MD 21200

410-335-4406

Item # 305





M-SE MM-SW

#305

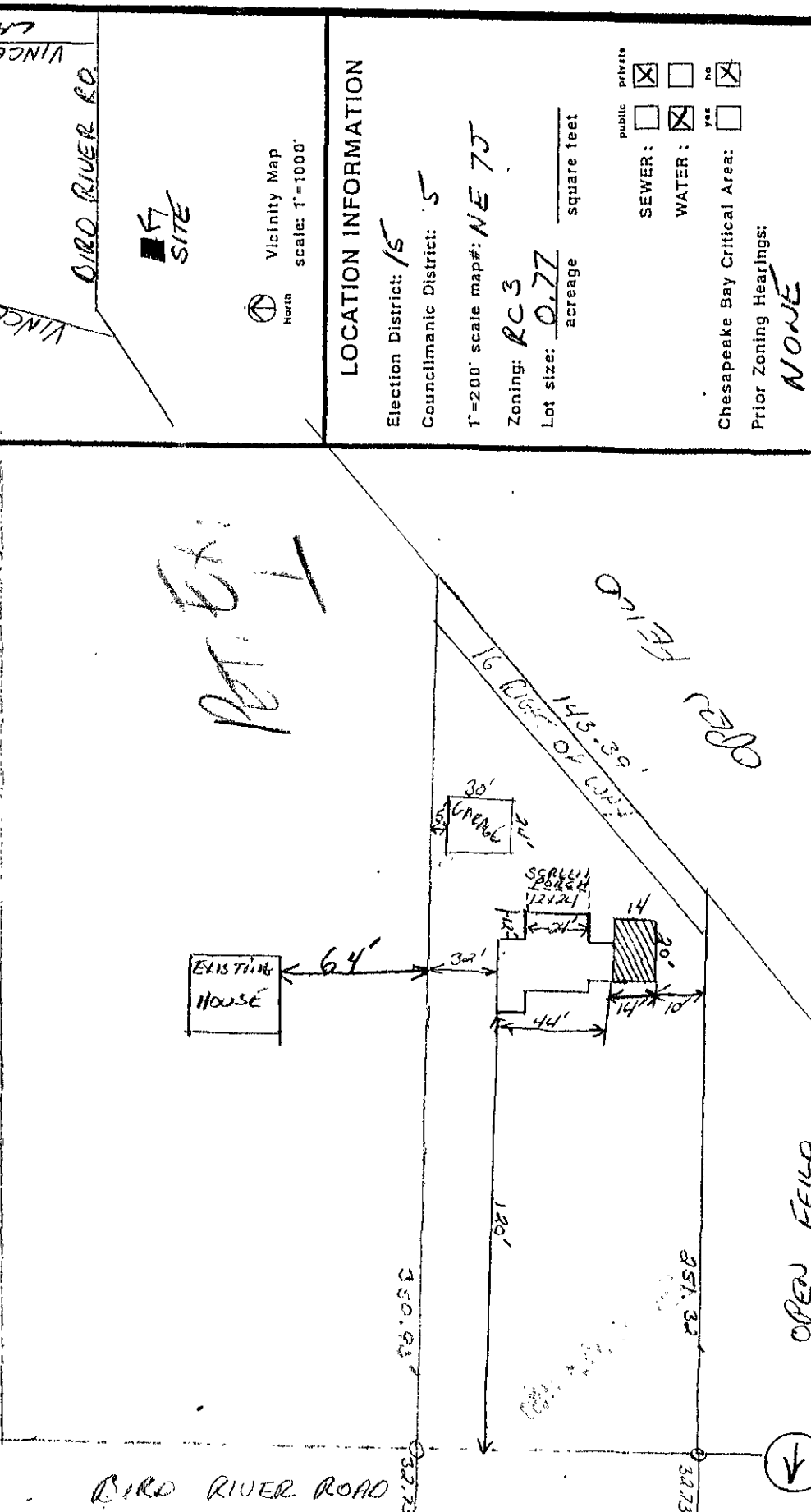
WATER

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1033 BIRD RIVER ROAD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: plat book # 366, folio # 124, lot # --, section # --
OWNER: GEORGE A NILES

96-30(-A)



LOCATION INFORMATION

Election District: 15
Councilmanic District: 5
1"=200' scale map #: NE 75
Zoning: RC 3
Lot size: 0.77 acreage square feet

public private
SEWER: ☐ ☒
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 305 CASE #:

Scale of Drawing: 1"= 60'
North
date: 2-6-95
prepared by: GEORGE NILES



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: _____ Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

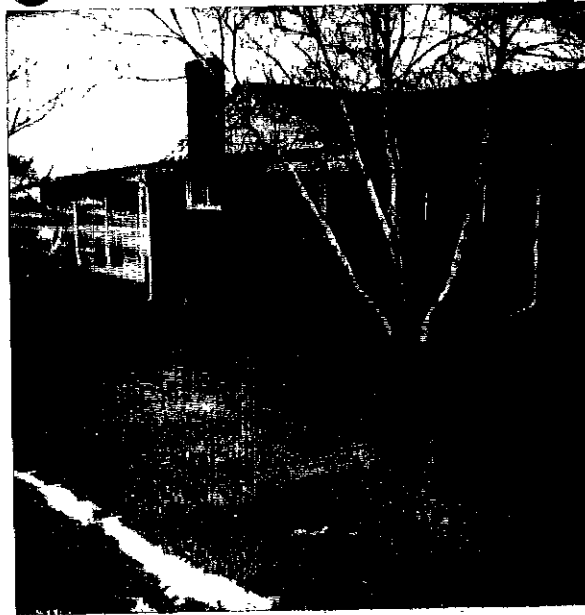
NAME: _____

ADDRESS: _____

PHONE NUMBER: _____



96-301-A



SIDE YARD & PROPOSED LOCATION OF THE
14' X 20' ADDITION



#305

FRONT & SIDE YARD

10/10/00

Post by: 2/25

ADMINISTRATIVE VARIANCES
CLOSING DATE.....MARCH 11, 1996

CASE NUMBER: 96-301-A (Item 305)
10313 Bird River Road
S/S Bird River Road, 400' E of c/l Vincent Road
15th Election District - 5th Councilmanic
Legal Owner: George A. Niles and Joan F. Niles

Administrative Variance to allow an addition with a side yard setback
of 10 feet in lieu of the minimum required 25 feet.

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Bird River Road, 400' E of
the c/l of Vincent Road
(10313 Bird River Road)
15th Election District
5th Councilmanic District
George A. Niles, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-301-A

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The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 107.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of March, 1996 that the Petition for Administrative Variance seeking relief from Section 1A02.3.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 feet in lieu of the minimum required 25 feet for a proposed 14' x 20' addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

March 15, 1996

(410) 887-4386

Mr. & Mrs. George A. Niles
10313 Bird River Road
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Bird River Road, 400' E of the c/l of Vincent Road
(10313 Bird River Road)
15th Election District - 5th Councilmanic District
George A. Niles, et ux - Petitioners
Case No. 96-301-A

Dear Mr. & Mrs. Niles:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 10313 BIRD RIVER RD
which is presently zoned RC3

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A02.3.B.4.

To allow an addition with a side yard setback of 10 ft. in lieu of the minimum required 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To provide bedroom area for 87-year old mother that is not able to live by herself any longer.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(Use to solemnly declare and give, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)
Type or Print Name: GEORGE A. NILES
Signature: [Signature]
Address: 10313 BIRD RIVER RD
City: BALTO State: MD Zip: 21220

Type or Print Name: JOAN F. NILES
Signature: [Signature]
Address: 10313 BIRD RIVER RD
City: BALTO State: MD Zip: 21220

Name, Address and phone number of representative to be contacted:
BALTO MD 21220

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 15th day of March, 1996, that the subject matter of this petition be set for a public hearing, advertising, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and on the property to be reviewed.

Zoning Commissioner of Baltimore County

REVIEWED BY [Signature] DATE 2/12/96
ESTIMATED POSTING DATE: _____
ITEM #: 305

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify therein in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 10313 BIRD RIVER RD
BALTO MD 21220

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate nature of variance requested)

To provide bedroom area for 87-year old mother that is not able to live by herself any longer.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

George A. Niles Joan F. Niles
Type or Print Name Signature

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss: I, _____, a Notary Public for the State of Maryland, do hereby certify that on 15th day of March, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared GEORGE A. NILES AND JOAN F. NILES

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

02/09/96
My Commission Expires: 12/01/97

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL IN THE BLANKS." Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 10313 BIRD RIVER RD
(address)

Beginning at a point on the SOUTH side of

BIRD RIVER RD, which is 32'

name of street on which property fronts (number of feet of right-of-way width)

wide at the distance of 400' EAST of the

(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street VINCENT RD

(name of street)

which is 32' wide. "Being Lot # _____"

(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of _____

(name of subdivision)

as recorded in Baltimore County Plat Book # _____, Folio # _____

containing _____ (square feet or acres) Also known as _____ (property address)

and located in the 15 Election District: 5 Councilmanic District.

"If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: 'As recorded in Deed Liber _____, Folio _____' and include the measurements and directions (metes and bounds only) here and on the plat in the correct location."

Typical metes and bounds: N. 87° 12' 13" E. 321.1 ft. S. 18° 27' 03" E. 57.2 ft. S. 62° 19' 00" W. 318 ft. N. and N. 08° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15 Date of Posting: _____
Posted for: Admin. Variance
Petitioner: George A. Niles
Location of property: 10313 Bird River Road
Location of Sign: Bird River Rd
Front Yard
Remarks: _____
Posted by: C. Niles Signature: _____ Date of return: _____
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 2/12/96 ACCOUNT: B-001-015-000
AMOUNT: \$ 35.00
RECEIVED George A. Niles
FROM: 010 - Variance - 850 ITEM # 305
FOR: 050 - Sign - 435 Taken by JEF
FOR: 010 - 010 - 010 - 010 \$85.00
By 010-010-010-010-12-96
VALIDATION OR SIGNATURE OF CARRIER
DATE: _____ TIME: _____ FEE: _____ AGENCY: _____ YELLOW: _____ CUSTOMER: _____

ADMINISTRATIVE VARIANCES
CLOSING DATE: _____ MARCH 11, 1996

CASE NUMBER: 96-301-A (Item 305)
10313 Bird River Road
S/S Bird River Road, 400' E of c/l Vincent Road
15th Election District - 5th Councilmanic
Legal Owner: George A. Niles and Joan F. Niles

Administrative Variance to allow an addition with a side yard setback of 10 feet in lieu of the minimum required 25 feet.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 305 Petitioner: GEORGE A. NILES

Location: 10313 BIRD RIVER RD 21220

PLEASE FORWARD ADVERTISING BILL TO:

NAME: GEORGE A. NILES

ADDRESS: 10313 BIRD RIVER RD

BALTO MD 21220

PHONE NUMBER: 410-335-4406

Printed with Soybean Ink
on Recycled Paper

PROVISIONAL APPROVAL
PERMIT NUMBER: B260763

Date: Feb. 20, 1996

Location: 10313 BIRD RIVER ROAD

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following Conditions:

☒ Owner has filed for a public hearing, Item # 305.

☐ Owner must file for a public hearing within ___ days before the Zoning Commission requesting relief from all conflicts with the Baltimore County Zoning Regulations.

☐ Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within ___ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed, or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter, the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

GRP
ZONING STAFF

I have read the above statement and I agree to abide by the decision of the zoning commissioner, if applicable, in this matter. I also hereby certify that I, the undersigned, am in fact the owner and, if applicable, the contract purchaser and not just an agent for same.

Signed - Owner: George A. Niles Signed - Contract Purchaser: _____

Printed Name: George A. Niles Printed Name: _____

Address: 10313 Bird River Rd. Address: _____

Balto. Md. 21220

Work Phone # _____ Work Phone # _____

Home Phone # 335-4406 Home Phone # _____

Revised 8/1/95



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 23, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-301-A (Item 305)
10313 Bird River Road
5/8 Bird River Road, 400' S of c/l Vincent Road
15th Election District - 5th Councilmanic
Legal Owner: George A. Niles and Joan F. Niles

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a referee regarding the administrative process.

1) Your property will be posted on or before February 25, 1996. The closing date (March 11, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jablon
Arnold Jablon
Director

cc: George and Joan Niles

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 11, 1996

Mr. and Mrs. George A. Niles
10313 Bird River Road
Baltimore, MD 21220

RE: Item No.: 305
Case No.: 96-301-A
Petitioner: G. A. Niles, et ux

Dear Mr. and Mrs. Niles:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 12, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: March 1, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for March 4, 1996
Items 305, 306, 308, 309, 310, 313, 314

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:jrb

cc: File

ZONECOMM. 396

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: March 1, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for March 4, 1996
Items 305 (Revised), 306 (Revised),
308, 309, 310, 313, 314

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:jrb

cc: File

ZONECOMM. 396

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/27/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETINGS OF FEB. 26, 1996

Item No.: SEE BELOW Zoning Agenda:

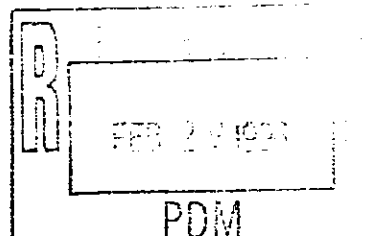
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS 305, 306, 307, 308, 311, 312, 313, 314 & 315.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102P

cc: File
Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 305 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

JOHN K. HARRIS
10251 BIRD RIVER ROAD
BALTIMORE, MD 21220
(410) 335-9315

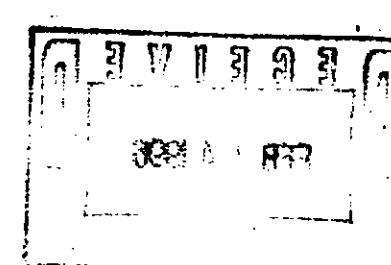
FEBRUARY 13, 1996

MR. ARNOLD JABLON,

IN REGARDS TO ITEM # 305, I HAVE NO PROBLEM WITH MR. NILES GETTING A VARIANCE FOR THIS. AS HIS NEIGHBOR I FEEL IT WILL ONLY IMPROVE THE NEIGHBORHOOD. IF YOU HAVE ANY QUESTION PLEASE FEEL FREE TO CALL.

THANK YOU,

John P. Harris
JOHN K. HARRIS



to wit
please review
OK where for
condition permit
To: Accounting Bureau
won 2/16 JRF

10320 RIVER ROAD 96-759
BALTIMORE, MD 21220-1506
2/12/96

MR. ARNOLD JABLON
DEAR SIR:

IN REGARDS TO ITEM #305, MR. GEORGE NILES ASKED ME
IF I HAD ANY OBJECTIONS TO HIM BUILDING A ROOM FOR HIS
MOTHER, ON THE SIDE OF HIS HOUSE, THAT WOULD EXTEND TO LESS
THAN THE 7.5 FEET FROM MY PROPERTY LINE, THAT THE LAW NOW ALLOWS.

I HAVE NO OBJECTIONS TO HIM EXTENDING THE ROOM, AS LONG
AS HE STAYS 10 FEET FROM MY PROPERTY LINE.

I THINK IT IS VERY GOOD THAT HE WANTS TO TAKE HIS MOTHER INTO
HIS HOUSE, INSTEAD OF HER LIVING ALONE AT HER AGE.

THANKING YOU, IN ADVANCE
Ellen J. Wiegand

96-759
2-12-96

Mr. Arnold Jablon
Young Retirement
Townson, Md.

re: Item #305

Dear Mr. Jablon:

I am writing on behalf
of Mr. & Mrs. George Niles, Jr.
young request to add an
addition to their home at
10313 Birch Lane Road.

My home is directly next
door to the Niles residence
and I have no objection
or reservations about the
proposed addition.

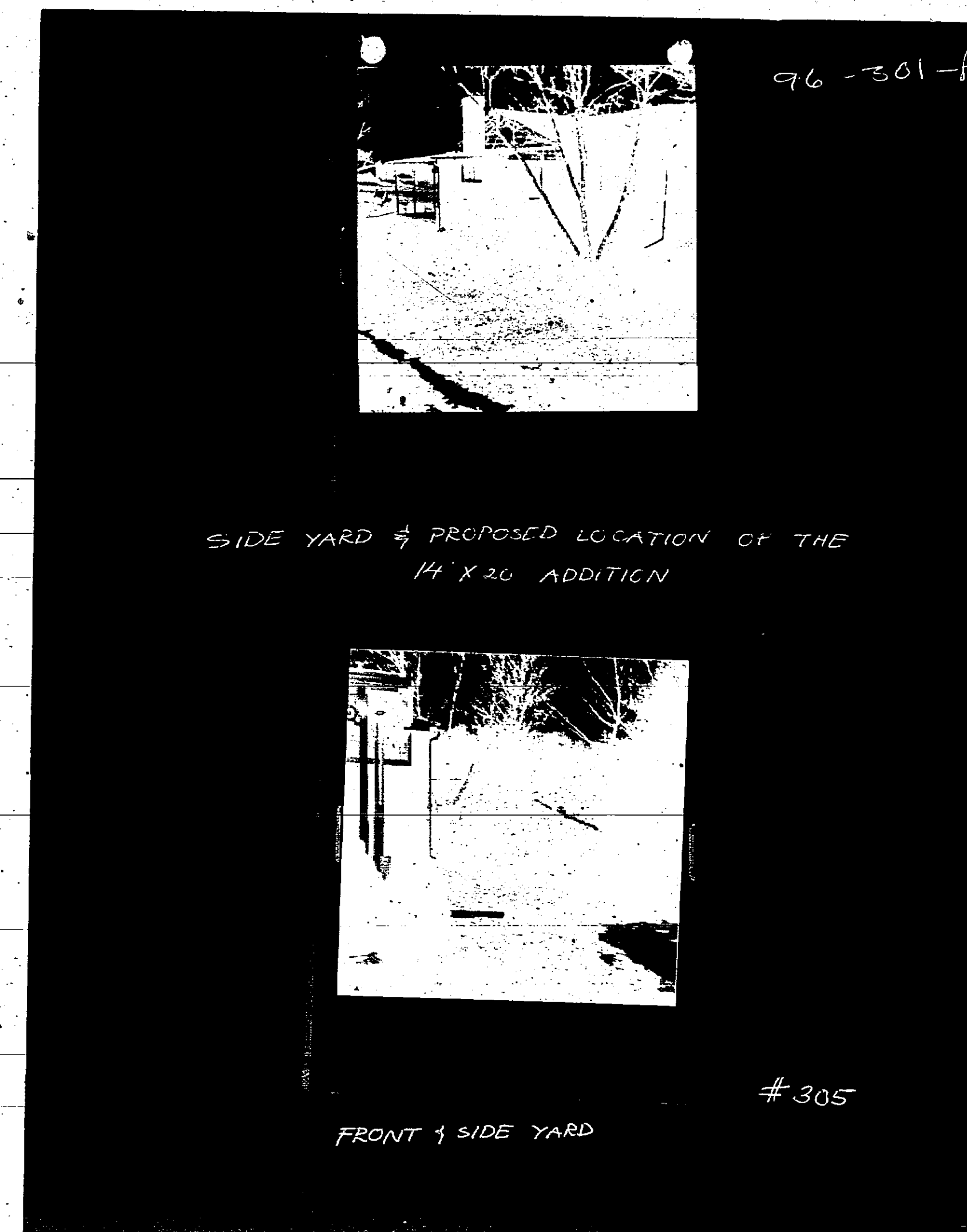
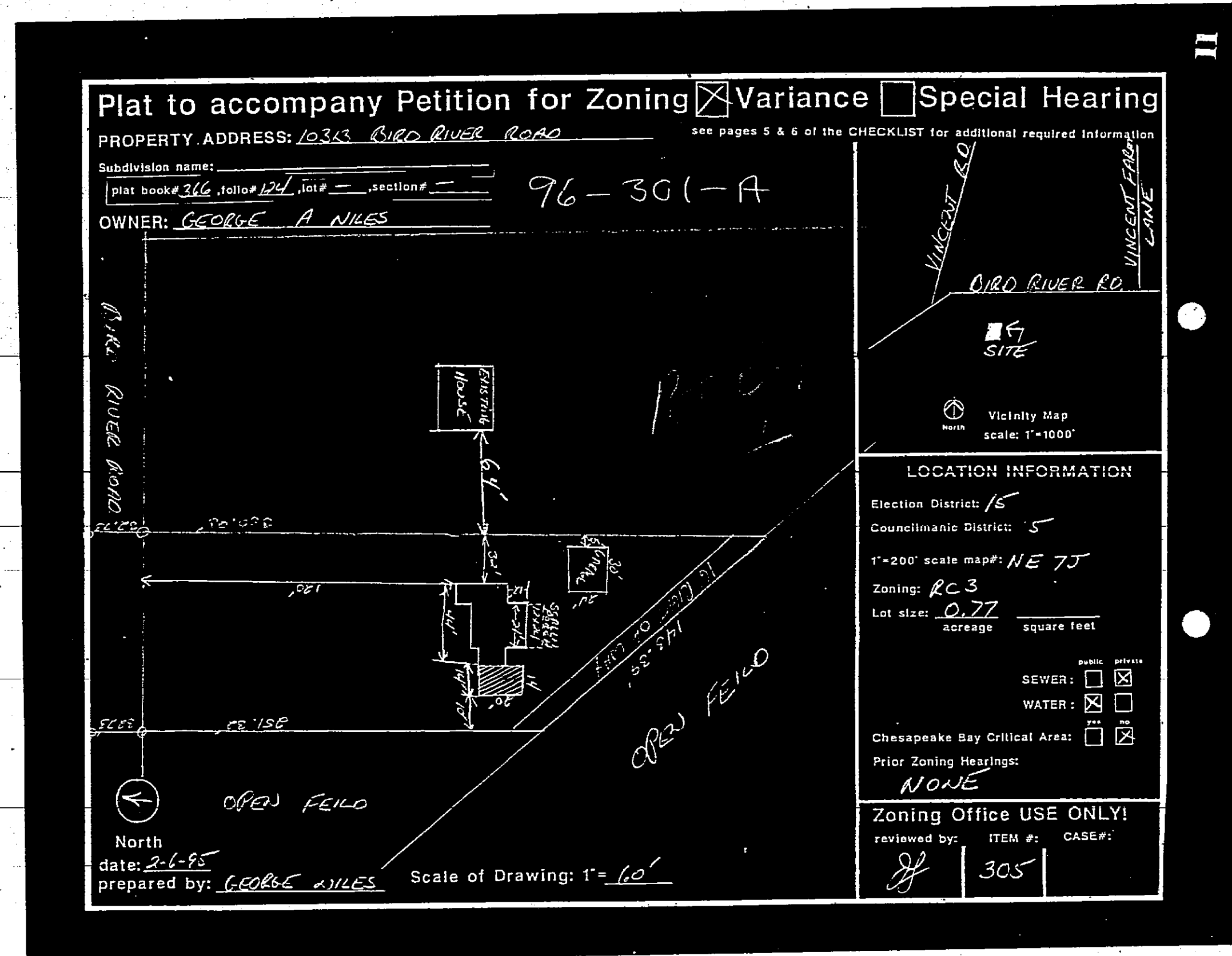
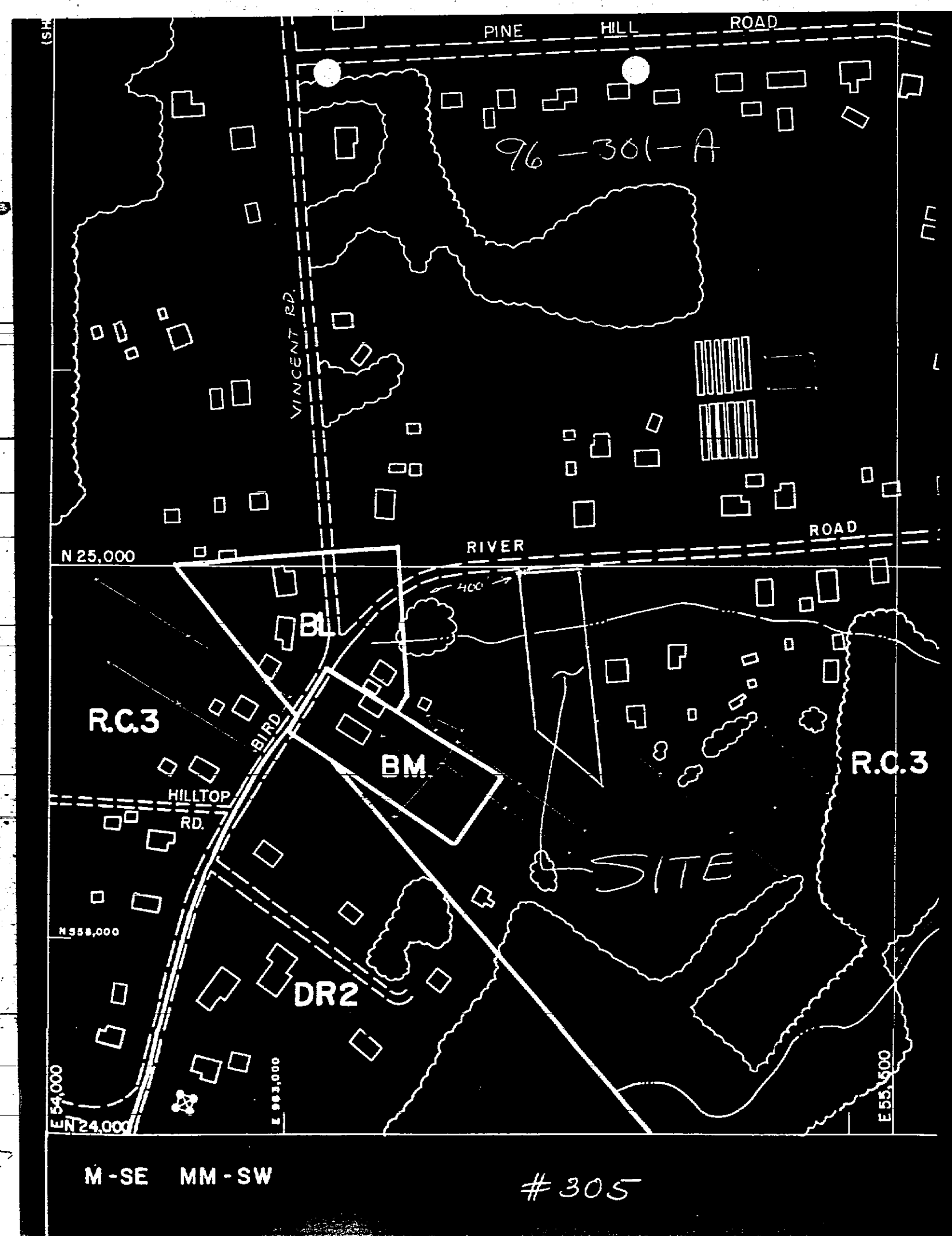
Dear Mr. Jablon: #305 96-759
2-14-96

The mistake, I thought you
must stay 10 feet away from
property line instead of 7.5 feet,
or we would have put in for
this permit some time ago.

We wish to build our mother's
mother-in-law a bedroom area on
our house. She is 79 years old and
really not able to live by herself
any more. She has now sold
her home and we need to do this
project as soon as possible. She has
already had a fall while in her
apartment and we need to make sure this
doesn't happen again.

Enclosed are three letters from
our neighbors stating they have no
objection to the addition.

We are sure there will be
no other objections. The line
appears 10 feet from the road and
the room next to the addition is
an open field.



96-301-A



#305

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

COWENTON
VICINITY

SHEET

N.E.
7-J